

# **MINUTES**

## **THE REGULAR MEETING OF THE BOARD OF ALDERMEN CITY OF BRANSON, MISSOURI March 8, 2011**

### **INTRODUCTORY**

The Board of Aldermen of the City of Branson, Missouri, met in regular session in the Council Chambers of the City Hall on March 8, 2011, at 7:00 p.m. Mayor Presley called the meeting to order with the "Pledge of Allegiance" and Carl Sparks gave the invocation.

### **ROLL CALL**

Deputy City Clerk Bargman called roll: Mayor Presley presiding, Rick Davis, Mike Booth, Sandra Williams, Cris Bohinc and Rick Todd present. Absent: Bob Simmons.

Also present from the City were: City Administrator Dean Kruithof, City Attorney William Duston, Deputy City Clerk Hillary Bargman, Communications Director Jerry Adams, Information Technology Director D.J. Cline, Public Works Director and City Engineer David Miller, Fire Chief Carl Sparks, Economic Development Director Garrett Anderson, Planning and Development Director Jim Lawson, Assistant Chief of Police Steve Dalton, Finance and Personnel Director Lori Helle and Utilities Director Mike Ray.

### **EMPLOYEE OF THE MONTH**

Alderman Todd presented Sue Tiefert of the Utilities Department as the March Employee of the Month in recognition for her patience and diligence in working with citizens and employees to ensure they receive the best customer service possible.

### **PUBLIC COMMENT**

Mayor Presley began the Public Comments section of the Board of Aldermen meeting by stating the Board would hear citizens that signed the Speaker's Sheet in the order they are listed on the sheet.

Harriet Leenerts, 1157 W. Hwy 76, Branson, Missouri, stated she was addressing the Board on behalf of the Tri-Lakes Board of Realtors to request that the special use permit process be reviewed. She stated the Tri-Lakes Board of Realtors feels a special use permit should not be required for a different occupant when a building has been previously constructed, modified, or approved for the same use and feels the permit should be transferrable without re-application to the City, provided the use remains the same regardless of the time lapse between occupants. Ms. Leenerts stated the Tri-Lakes Board of Realtors further requests commercial uses such as music theaters, miniature golf and museums be reassigned to commercial use status instead of the current special use permit since these commercial uses are common to the Branson Area and by definition should not be special use in nature. She stated the Tri-Lakes Board of Realtors appreciates the opportunity to provide input

regarding property issues and looks forward to a mutually beneficial relationship in continuing to make Branson a desirable area to live and a business-friendly environment.

Bob Huels, 500 West Main Street, Branson, Missouri, commented he feels there are several issues that arise as a result of having to obtain a special use permit each time buildings change occupancy.

Mark Weisz, 386 Dalton Drive, Branson, Missouri, requested an opportunity for realtors who have concerns with this issue to provide input on the process in a study session or with the Planning and Zoning Commission.

## CONSENT AGENDA

Mayor Presley asked if there were any citizens that had any items they wished to have removed from the Consent Agenda for further discussion. Hearing none, Mayor Presley asked if any member of the Board had any items they wished to have removed from the Consent Agenda. Alderman Booth requested Bill No. 3910 be removed from the Consent Agenda and placed as the first item on the Regular Agenda. Mayor Presley asked Deputy City Clerk Bargman to read the items on the Consent Agenda as amended. Deputy City Clerk Bargman read the following Consent Agenda items by title.

Approval of the Board of Aldermen Minutes:

- a) February 17, 2011 Study Session
- b) February 22, 2011 Special Meeting
- c) February 22, 2011 Regular Meeting

Acknowledge Receipt of Minutes:

- a) Capital Improvement Committee meeting of May 10, 2010
- b) Capital Improvement Committee meeting of October 11, 2010
- c) Capital Improvement Committee meeting of November 8, 2010
- d) Capital Improvement Committee meeting of December 13, 2010
- e) Tree Board meeting of January 5, 2011
- f) Tree Board meeting of January 28, 2011
- g) Budget & Finance Committee meeting of January 24, 2011
- h) Planning & Zoning Commission Study Session of February 10, 2011
- i) Planning & Zoning Commission Regular meeting of February 10, 2011

### **BILL NO. 3909**

**Ord. No. 2011-028      Approving WA Wilderness Area District Zoning at 412 Owen Lane, Branson, Missouri.**

Final reading of Bill No. 3909, an ordinance approving WA Wilderness Area District Zoning at 412 Owen Lane, Branson, Missouri, was read by title by Deputy City Clerk Bargman. Voting aye: Davis, Booth, Williams, Bohinc and Todd. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2011-028 was duly enacted.

### **BILL NO. 3911**

**Ord. No. 2011-033      Accepting the proposal of Grooms Office Environments pertaining to the purchase of office furniture and a filing system for the City Clerk/Municipal Court Offices.**

Final reading of Bill No. 3911, an ordinance accepting the proposal of Grooms Office Environments pertaining to the purchase of office furniture and a filing system for the City Clerk/Municipal Court Offices and authorizing the Mayor to execute the contract was read by title by Deputy City Clerk Bargman. Voting aye: Davis, Booth, Williams, Bohinc and Todd. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2011-033 was duly enacted.

Deputy City Clerk Bargman stated that concludes the reading of the Consent Agenda as amended. Mayor Presley opened the floor for a motion to approve all items on the Consent Agenda as amended. Alderman Bohinc moved to approve, seconded by Alderman Williams. Voting aye: Davis, Booth, Williams, Bohinc and Todd. Nays: none. Absent: Simmons. Motion carried.

## **REGULAR AGENDA**

### **BILL NO. 3910**

**Ord. No. 2011-032**

**Approving a financing agreement between the City of Branson, Missouri, and the Industrial Development Authority of the City of Branson, Missouri for the purpose of providing funds to finance the costs of certain improvements; and authorizing and approving certain documents and other actions in connection therewith.**

Final reading of Bill No. 3910, an ordinance approving a financing agreement between the City of Branson, Missouri, and the Industrial Development Authority of the City of Branson, Missouri for the purpose of providing funds to finance the costs of certain improvements; and authorizing and approving certain documents and other actions in connection therewith was read by title by Deputy City Clerk Bargman and a staff report was presented by Administrator Kruithof. Mayor Presley asked for a motion approving Bill No. 3910. Alderman Davis moved to approve, seconded by Alderman Williams. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Mayor Presley called for a vote on Bill No. 3910. Voting aye: Davis, Williams, Bohinc and Todd. Nays: none. Abstain: Booth. Absent: Simmons. Motion carried. Ordinance No. 2011-032 was duly enacted.

### **BILL NO. 3905**

**Ord. No. 2011-034**

**Accepting the proposal of Salvation Army pertaining to the provision of services to provide temporary emergency help for the needy (Postponed from the February 22, 2011 meeting).**

Final reading of Bill No. 3905, an ordinance accepting the proposal of Salvation Army pertaining to the provision of services to provide temporary emergency help for the needy and authorizing the Mayor to execute the contract was read by title by Deputy City Clerk Bargman and a staff report was presented by Administrator Kruithof. Mayor Presley noted that this bill was postponed at the February 22, 2011 meeting in order to obtain vendor signatures and has been signed by the vendor. Mayor Presley stated Bill No. 3905 has already had its final reading, motion and second. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Mayor Presley called for a vote on Bill No. 3905. Voting aye: Davis, Booth, Williams, Bohinc and Todd. Nays: none. Absent: Simmons. Motion carried. Ordinance No. 2011-034 was duly enacted.

**PRESENTATION BY DOUG HAYTER REGARDING THE BRANSON SCHOOL DISTRICT'S BOND ISSUE ON THE APRIL 2011 BALLOT.**

A presentation regarding the Branson School District's Bond Issue on the April 2011 ballot was made by Doug Hayter and Administrator Kruithof provided the introduction. Dr. Marcellus, Branson School Board President, commented the community is blessed to have a great school district and the support of the patrons. Dr. Marcellus commented our futures are dependent upon the children and we need to do everything possible to educate the children. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments or questions from the Board. Discussion.

**UPDATE BY BECKY ZIMMERMANN OF DESIGN WORKSHOP ON THE COMPREHENSIVE PLAN 2030.**

An update on the Comprehensive Plan 2030 was made by Becky Zimmermann of Design Workshop and Administrator Kruithof provided the introduction. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments or questions from the Board. Discussion.

**BILL NO. 3912**

**Approving an agreement for professional services between Pictometry International Corporation and the City of Branson.**

First Reading of Bill No. 3912, an ordinance approving an agreement for professional services between Pictometry International Corporation and the City of Branson and authorizing the Mayor to enter into the agreement pertaining to the digital orthophotography, planimetric and topographic mapping project was read by title by Deputy City Clerk Bargman and a staff report was presented by Administrator Kruithof and David Miller. Mayor Presley asked for a motion approving Bill No. 3912 Alderman Booth moved to approve, seconded by Alderman Bohinc. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. Discussion. Voting aye: Davis, Booth, Williams, Bohinc and Todd. Nays: none. Absent: Simmons. Motion carried.

**BILL NO. 3913**

**Accepting the proposal of PSC Environmental Services pertaining to the transportation and disposal of household chemical collections.**

First Reading of Bill No. 3913, an ordinance accepting the proposal of PSC Environmental Services pertaining to the transportation and disposal of household chemical collections and authorizing the Mayor to execute the contract was read by title by Deputy City Clerk Bargman and a staff report was presented by Administrator Kruithof and David Miller. Mayor Presley asked for a motion approving Bill No. 3913. Alderman Bohinc so moved, seconded by Alderman Booth. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Voting aye: Davis, Booth, Williams, Bohinc and Todd. Nays: none. Absent: Simmons. Motion carried.

**RESOLUTION NO.**

**2011-R007**

**Declaring the City of Branson's intent to participate in the Tri-Lakes Biosolids Partnership Regional Biosolids Dewatering and Drying Project.**

A Resolution declaring the City of Branson's intent to participate in the Tri-Lakes Biosolids Partnership Regional Biosolids Dewatering and Drying Project and authorizing the Mayor to sign a letter of intent was read by title by Deputy City Clerk Bargman and a staff report was presented by Administrator Kruithof and Mike Ray. Mayor Presley asked for a motion adopting the resolution. Alderman Williams moved to adopt, seconded by Alderman Davis. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments

from the Board. Discussion. Mayor Presley called for the vote on the Resolution. Voting aye: Davis, Booth, Williams, Bohinc and Todd. Nays: none. Absent: Simmons. Motion carried. Resolution No. 2011-R007 was adopted.

#### **RESOLUTION NO.**

**2011-R008**

#### **Approving the special event permit application for the Plumb Nellie Days.**

A Resolution approving the special event permit application for the Plumb Nellie Days was read by title by Deputy City Clerk Bargman and a staff report was presented by Administrator Kruithof and Jim Lawson. Mayor Presley asked for a motion adopting the resolution. Alderman Williams moved to adopt, seconded by Alderman Todd. Mayor Presley asked for anyone in the audience wishing to speak regarding this matter. Hearing none, Mayor Presley asked for comments from the Board. No discussion. Mayor Presley called for the vote on the Resolution. Voting aye: Davis, Booth, Williams, and Todd. Nays: none. Abstain: Bohinc. Absent: Simmons. Motion carried. Resolution No. 2011-R008 was adopted.

## **DISBURSEMENTS**

Mayor Presley stated the next item was review of disbursements for January 31, 2011, through February 23, 2011, and asked if there were any questions regarding the disbursements. [See Master File for copies of disbursements.] Mayor Presley asked for a motion acknowledging the receipt of disbursements from January 31, 2011, through February 23, 2011. Alderman Davis so moved, seconded by Alderman Bohinc. Voting aye: Davis, Booth, Williams, Bohinc and Todd. Nays: none. Absent: Simmons. Motion carried.

## **MAYOR/ALDERMEN/ADMINISTRATOR'S REPORTS**

Alderman Bohinc reminded everyone that Plumb Nellie Days is May 20<sup>th</sup> and 21<sup>st</sup> and the name Plumb Nellie means nearly anything goes. Alderman Bohinc stated the names of the new trolleys will be mentioned in the newspaper tomorrow.

Alderman Todd mentioned the NAIA National Division II Championship starts this week and commented the community is blessed to host the tournament as it will bring in 32 teams and hundreds of fans. Alderman Todd stated he always hears positive feedback and believes it has a positive economic effect on the community.

Alderman Davis thanked the citizens who serve on the Tree Board for all they do. He announced that Garrett Anderson told him it is a great time to go to Lakeside Forest to see the daffodils blooming.

Alderman Booth stated he attended the Taney County Airport meeting this morning and commented that the airport will no longer be known as the Point Lookout Airport, but will be known as the Branson Airport on GPS. Alderman Booth believes it is a great airport and mentioned aircraft fuel can be purchased at the airport at a good price. He mentioned the airport has been in contact with Garrett Anderson to conduct preliminary research on re-activating a flight school and feels this would give an economic boost to the Branson area.

Administrator Kruithof mentioned reading a statistic from the U.S. Census, that stated the population center of the United States is expected to be somewhere within Texas County, Missouri. He commented about noticing the center of the country seems to be moving closer to Branson each

census. Administrator Kruithof reminded everyone the City is hosting Loaves and Fishes at the Methodist Church on Thursday.

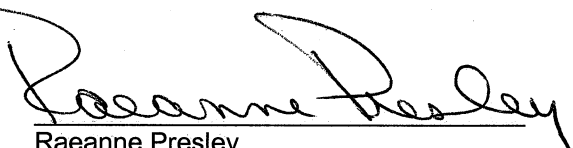
Mayor Presley thanked Mr. Gerken for making a presentation to the Tree Board regarding his tree farm and said she thought it was interesting. Mayor Presley mentioned visiting the job fair hosted by the State of Missouri and said it was well attended. She mentioned attending an event that supported creating local food sources on Saturday at the Hughes Family Theater. Mayor Presley reported traveling to Jefferson City last week to make a plea to keep the film office open.

## EXECUTIVE SESSION

Mayor Presley entertained a motion to adjourn to a closed Executive Session. Alderman Williams moved to go into Closed Executive Session pursuant to 610.021.1 RSMo for litigation and 610.021.2 RSMo for real estate, seconded by Alderman Bohinc. Voting aye: Davis, Booth, Williams, Bohinc and Todd. Nays: none. Absent: Simmons. Motion carried.

## ADJOURN

Mayor Presley asked for a motion to adjourn. Alderman Todd moved to adjourn, seconded by Alderman Davis. Voting aye: Davis, Booth, Williams, Bohinc and Todd. Nays: none. Absent: Simmons. Motion carried. Meeting adjourned at 8:28 p.m.

  
Raeanne Presley  
Mayor  
Hillary Bargman  
Deputy City Clerk